

## SUBCHAPTER C—APPEALS

### PART 290—APPEAL PROCEDURES

#### Subpart A—Offshore Minerals Management Appeal Procedures

Sec.

- 290.1 What is the purpose of this subpart?
- 290.2 Who may appeal?
- 290.3 What is the time limit for filing an appeal?
- 290.4 How do I file an appeal?
- 290.5 Can I obtain an extension for filing my Notice of Appeal?
- 290.6 Are informal resolutions permitted?
- 290.7 Do I have to comply with the decision or order while my appeal is pending?
- 290.8 How do I exhaust my administrative remedies?

#### Subpart B—Appeals of Royalty Management Program and Delegated State Orders

- 290.100 What is the purpose of this subpart?
- 290.101 What leases are subject to this subpart?
- 290.102 What definitions apply to this subpart?
- 290.103 Who may file an appeal?
- 290.104 What may I not appeal under this subpart?
- 290.105 How do I appeal an order?
- 290.106 How do lessees join a designee's appeal and how does joinder affect the appeal?
- 290.107 Where are the rules concerning the effect of the Department not issuing a decision in my appeal within the statutory time frame?
- 290.108 How do I appeal to the IBLA?
- 290.109 How do I request an extension of time?
- 290.110 How do I exhaust administrative remedies?
- 290.111 How will MMS and delegated States serve official correspondence?

AUTHORITY: 5 U.S.C. 301 *et seq.*; 43 U.S.C. 1331 *et seq.*

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#### Subpart A—Offshore Minerals Management Appeal Procedures

##### § 290.1 What is the purpose of this subpart?

The purpose of this subpart is to explain the procedures for appeals of Minerals Management Service (MMS) Offshore Minerals Management (OMM)

decisions and orders issued under subchapter B.

##### § 290.2 Who may appeal?

If you are adversely affected by an OMM official's final decision or order issued under 30 CFR chapter II, subchapter B, you may appeal that decision or order to the Interior Board of Land Appeals (IBLA). Your appeal must conform with the procedures found in this subpart and 43 CFR part 4, subpart E. A request for reconsideration of an MMS decision concerning a lease bid, authorized in 30 CFR 256.47(e)(3) and 281.21(a)(1), or a deep water field determination, authorized in 30 CFR 203.79(a) and 30 CFR 260.110(d)(2), is not subject to the procedures found in this part.

##### § 290.3 What is the time limit for filing an appeal?

You must file your appeal within 60 days after you receive OMM's final decision or order. The 60-day time period applies rather than the time period provided in 43 CFR 4.411(a). A decision or order is received on the date you sign a receipt confirming delivery or, if there is no receipt, the date otherwise documented.

##### § 290.4 How do I file an appeal?

For your appeal to be filed, MMS must receive all of the following within 60 days after you receive the decision or order:

(a) A written Notice of Appeal together with a copy of the decision or order you are appealing in the office of the OMM officer that issued the decision or order. You cannot extend the 60-day period for that office to receive your Notice of Appeal; and

(b) A nonrefundable processing fee of \$150 paid with the Notice of Appeal.

(1) Identify the order you are appealing on the check or other form of payment you use to pay the processing fee.

(2) You cannot extend the 60-day period for payment of the processing fee.

(3) You must pay the processing fee to MMS following the requirements for making payments found in 30 CFR 218.51. You are not required to use